

concentration, and the same exposure time as the items to be treated (column 7, lines 25-29).

The applicants refer the Examiner to the more detailed discussion of the reasons for the patentability of each of the independent claims set forth in the amendment of February 1, 2002.

Telephone Interview

The applicants would prefer to resolve the patentability of this application without the necessity of an Appeal. To this end, if the Examiner has suggestions for amending the claims in ways which would cause him to consider them more favorably, it is requested that he telephone the undersigned to discuss the potential amendments and resolve the present impasse.

CONCLUSION

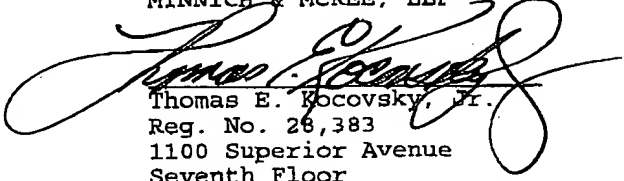
The package C of Minerovic which holds the concentrate that mixes with water to generate the antimicrobial solution carries no indicator. While Ignacio describes indicator compositions, at least one of which would be suitable for the present application, Ignacio teaches away from placing indicators on the container for the source of the antimicrobial concentrate. To the contrary, Ignacio teaches that the indicators should be used to determine whether a sterilization process meets predetermined parameters, e.g., exposure temperature, exposure peracid concentration, and exposure time (column 7, lines 26-29). Examples of how the indicators should be placed to monitor these predetermined exposure parameters which are set forth at column 9, lines 54-65 all place the indicators on or close to the items in the sterilization chamber or even wrapped with the same sterile barrier or packaging in which the items are wrapped. That is, the items are placed where they will be subject to the same exposure conditions as the items. At the location where an antimicrobial concentrate is mixed with water, concentrations will vary significantly from

the concentration to which items in the downstream treatment chamber are exposed. Accordingly, it is submitted that although Minerovic and Ignacio disclose the individual parts from which the present invention can be made, they do not teach the claimed combination nor do they provide any motivation to create the claimed combination.

Accordingly, it is submitted that all claims distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

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CERTIFICATE OF FAXING

I hereby certify that this REQUEST FOR RECONSIDERATION in connection with U.S. Patent Application Serial No. 09/314,497 is being transmitted by telefacsimile to the U.S. Patent and Trademark Office, Attention: Examiner M. CHORBAJI, Art Unit 1744, at Telefacsimile No. (703) 305-7719 on this 22 day of July, 2002..

By: Hilary McNulty